

AMENDED IN ASSEMBLY JUNE 28, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1409**

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**Introduced by Senator Pavley  
(Principal coauthors: Senators Correa and Lieu)**

February 24, 2012

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An act to add Section 65040.7 to the Government Code, relating to statewide planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1409, as amended, Pavley. Office of Planning and Research: ~~clean energy technologies and projects.~~ *energy security.*

Existing law establishes the Office of Planning and Research (OPR) in state government in the Governor's office and requires OPR to, among other things, coordinate the development of policies and criteria to ensure the federal grants-in-aid administered or directly expended by state government advance statewide environmental goals and objectives and to coordinate research activities of state government directed to the growth and development of the state and the preservation of environmental quality, and render advice to the Governor, his or her cabinet, to the Legislature, and any agency or department of state government, and provide information to, and cooperate with, the Legislature or any of its committees.

Existing law declares the state policy to promote all feasible means of energy and water conservation and all feasible use of alternative energy and water supply sources. Existing law establishes various programs to provide to specified entities financial assistance for the

installation of energy efficiency measures and renewable energy resources.

~~This bill would require OPR to, among other things, coordinate with the United States Armed Forces, where appropriate and feasible, and to the extent permitted or required by federal law, on the implementation of complementary energy, environmental, and procurement policies, including promoting the commercialization of clean energy technologies and the deployment of clean energy projects in California. The bill would require, to the extent permitted by federal law, OPR to provide assistance in resolving conflicts associated with research, development, and deployment of clean energy in California by the United States Armed Forces identify those state agencies that develop and implement state energy and environmental policies that directly impact on the United States Department of Defense's energy security and military mission goals. The bill would require those identified state agencies, when developing or implementing those state policies, to consider those direct impacts. The bill would require OPR to serve as a liaison to coordinate effective inclusion of the United States Department of Defense in the development and implementation of state energy and environmental policy.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This measure shall be known and may be cited
- 2 as the *Energy Security Coordination Act of 2013*.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) Climate change and oil dependence pose a threat to the
- 5 health, safety, and stability of the State of California and to the
- 6 national security of the United States.
- 7 (b) About 80 percent of military convoys carry fuel. According
- 8 to the United States Secretary of the Navy, for every 50 fuel
- 9 convoys, one marine is killed or wounded. Approximately 3,000
- 10 United States troops and civilian contractors have been killed or
- 11 wounded protecting convoys.
- 12 (c) The State of California and the United States Department
- 13 of Defense constitute two of the largest energy users in the world,
- 14 with a combined annual energy expenditure of over one hundred
- 15 billion dollars (\$100,000,000,000). As such, the pursuit of

1 complementary commitments to clean energy can accelerate the  
2 growth of the American clean energy economy, stimulate job  
3 creation, and mitigate the threats of climate change and oil  
4 dependence.

5 (d) The United States Department of Defense is one of the  
6 largest economic drivers in the State of California, with 30 major  
7 military installations, a budget of more than fifty-six billion dollars  
8 (\$56,000,000,000) and more than 236,000 uniformed and civilian  
9 personnel.

10 (e) California has the largest clean energy economy in the nation,  
11 employing over 318,000 workers throughout the state in a wide  
12 variety of industries, which have substantial existing capacity, and  
13 significant unmet potential to provide products and services to  
14 meet the State of California's and the United States Department  
15 of Defense's clean energy priorities.

16 (f) The United States Department of Defense, in cooperation  
17 with the United States Armed Forces, has targeted energy  
18 efficiency, the reduction of water and petroleum consumption, and  
19 the development and deployment of alternative fuels, advanced  
20 transportation technology and related infrastructure, and distributed  
21 generation and recharging technologies as top operational and  
22 strategic imperatives.

23 (g) To promote a cooperative and collaborative relationship  
24 between the State of California and the United States Department  
25 of Defense in advancing clean energy, it is necessary for the Office  
26 of Planning and Research to have specific responsibility in this  
27 area.

28 ~~SEC. 3. Section 65040.7 is added to the Government Code, to~~  
29 ~~read:~~

30 ~~65040.7. (a) In addition to its duties and responsibilities~~  
31 ~~pursuant to Section 65040, the Office of Planning and Research~~  
32 ~~shall do all of the following:~~

33 ~~(1) Coordinate with the United States Armed Forces, where~~  
34 ~~appropriate and feasible, and to the extent permitted or required~~  
35 ~~by federal law, on the implementation of complementary state and~~  
36 ~~federal energy, environmental, and procurement policies, to~~  
37 ~~promote the commercialization of clean energy technologies and~~  
38 ~~the deployment of clean energy projects in California, including,~~  
39 ~~but not limited to, local clean energy generation and storage, energy~~

1 efficiency and demand response, alternative and renewable fuels,  
2 advanced vehicles, and related infrastructures.

3 ~~(2) Provide assistance to public or private entities that receive,~~  
4 ~~or have a reasonable opportunity to qualify for, federal grants,~~  
5 ~~loans, or other assistance for clean energy research, development,~~  
6 ~~demonstration, deployment, or procurement of clean energy~~  
7 ~~products or services in California. The funding shall do all of the~~  
8 ~~following:~~

9 ~~(A) Advance complementary national security or military goals~~  
10 ~~and objectives through clean energy-related measures, including~~  
11 ~~energy efficiency, the reduction of water and petroleum~~  
12 ~~consumption, the development and deployment of alternative and~~  
13 ~~renewable fuels, advanced transportation technology and related~~  
14 ~~infrastructure, distribution generation, energy storage, or mobile~~  
15 ~~recharging technology.~~

16 ~~(B) Advance state sustainability, renewable energy,~~  
17 ~~conservation, energy storage, or greenhouse gas reduction goals.~~

18 ~~(C) Ensure, for projects involving transportation fuels, on a full~~  
19 ~~life-cycle assessment basis, that the project does not adversely~~  
20 ~~impact air quality, water quality or the sustainability of natural~~  
21 ~~resources, especially state and federal lands.~~

22 ~~(3) Provide assistance in resolving conflicts associated with the~~  
23 ~~research, development, and deployment of clean energy in~~  
24 ~~California by the United States Armed Forces or a branch of the~~  
25 ~~armed services, including facilities owned or operated by private~~  
26 ~~entities under contract with the United States Armed Forces or a~~  
27 ~~branch of the United States Armed Forces. For conflicts that~~  
28 ~~involve a clean energy-related permit or development project, the~~  
29 ~~office may, to the extent permitted by federal law, resolve conflicts~~  
30 ~~in accordance with processes developed by the Governor pursuant~~  
31 ~~to Section 65404 of the Government Code.~~

32 ~~(b) Nothing in this section is intended to interfere with, expand,~~  
33 ~~or prevent the existing authority of an agency or department to~~  
34 ~~carry out its programs, projects, or responsibilities, and nothing in~~  
35 ~~this section shall be considered as a limitation on compliance with~~  
36 ~~requirements under any other provision of law.~~

37 *SEC. 3. Section 65040.7 is added to the Government Code, to*  
38 *read:*

39 *65040.7. (a) For purposes of this section, the following terms*  
40 *have the following meanings:*

1     (1) “Energy security and military mission goals” means federal  
2 laws, regulations, or executive orders, related to alternative fuel  
3 and vehicle technology, clean energy, energy efficiency, water and  
4 waste conservation, greenhouse gas emissions reductions, and  
5 related infrastructure, including, but not limited to, the federal  
6 laws, regulations, and executive orders, and the goals set forth  
7 therein, of the National Energy Conservation Policy Act (42 U.S.C.  
8 Sec. 8201 et seq.), the Energy Independence and Security Act of  
9 2007 (42 U.S.C. Sec. 17001 et seq.), the Energy Policy Act of 2005  
10 (42 U.S.C. Sec. 15801 et seq.), and the Energy Policy Act of 1992  
11 (42 U.S.C. Sec. 13201 et seq.), and the goals set forth in Executive  
12 Order No. 13514, Executive Order No. 13423, and Executive Order  
13 No. 13221.

14     (2) “State energy and environmental policies” includes, but is  
15 not limited to, policies involving alternative fuels and vehicle  
16 technology and related fueling infrastructure, renewable electricity  
17 generation and related transmission infrastructure, energy  
18 efficiency and demand response, waste management, recycling,  
19 water conservation, water quality, water supply, greenhouse gas  
20 emissions reductions, and green chemistry.

21     (b) A state agency that is identified by the Office of Planning  
22 Research pursuant to paragraph (1) of subdivision (c) shall, when  
23 developing and implementing state energy and environmental  
24 policies, consider the direct impacts of those policies upon the  
25 United States Department of Defense’s energy security and military  
26 mission goals.

27     (c) The Office of Planning and Research shall do both of the  
28 following:

29     (1) Identify state agencies that develop and implement state  
30 energy and environmental policies that directly impact the United  
31 States Department of Defense’s energy security and military  
32 mission goals in the state.

33     (2) Serve as a liaison to coordinate effective inclusion of the  
34 United States Department of Defense in the development and  
35 implementation of state energy and environmental policy.

36     (d) This section shall not do any of the following:

37     (1) Interfere with the existing authority of, or prevent, an agency  
38 or department from carrying out of its programs, projects, or  
39 responsibilities.

- 1     (2) *Limit compliance with requirements imposed under any*  
2     *other law.*  
3     (3) *Authorize or require the United States Department of*  
4     *Defense to operate differently from any other self-generating*  
5     *ratepayer, or alter an existing rate structure.*

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